



# *NNSA EEO Counselor Program*

## *Counselor Tidbits*

Presented by: Service Center EEO and Diversity Office

Vol. I, Issue III

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*EEO and Diversity: Collaborating for Mission Success*



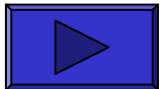
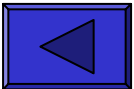


# *Welcome*

- Inside this issue: Customer Service Response card; Initial Counseling Session Checklist; Tips to complete the inquiry in 30 days; Counselor Q and A.
- The action buttons ◀ ▶ in this volume will take you to the previous or to the next slide.
- As always, I close with a sincere thank you for taking on the role of EEO Counselor for the NNSA.

*Yolanda Girón*

*Manager, EEO and Diversity Program*





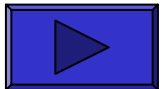
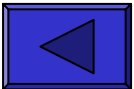
# *Counseling Customer Service Response Card*

"Whatever business you are in, whatever product you offer, the key to success is memorable service. Organizations are realizing that they are nowhere without customer loyalty. People remember great service, but they remember poor service even more. Excellence in service can only be achieved in an organization where everyone is empowered with the authority and expertise to exceed customer expectations. Successful organizations help individuals weave good service into every aspect of their job."

*The Ken Blanchard Companies*

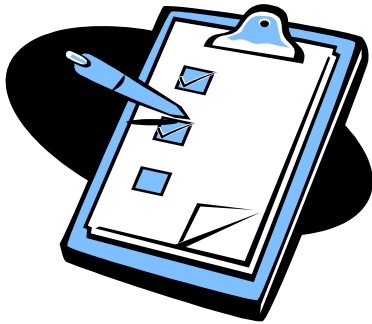
It is with this philosophy in mind that we are instituting two customer service response cards this month. One will be for counselee's to complete on the pre-complaint counseling process. This pre-complaint counseling process feedback card will allow us to better shape recommendations for this tidbit information piece, and for the annual 8 hour refresher training for all counselors. Once a formal complaint is received, this office will send the card to the complainant. You, as counselor will be included in the feedback when it is received. A sample card is sent as a separate attachment to this month's email issue.

The second response card we are implementing will be for the briefings provided by Specialists from this office to the field.

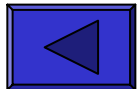




# *Initial Counseling Session*



The EEOC MD-110 requires some minimum information be shared with the counselee at your first full session with them. Please ensure that you are providing two copies of the information, with your signature on both, to the complainant. The information is condensed into the "Initial Counseling Checklist." The Checklist is available on the [EEO Counselor Information website](#). The counselee needs to sign one of the copies indicating that they have received the information and give one copy back to you. If the complaint goes formal, you'll be sending in this signed copy with your Counselor's Report.

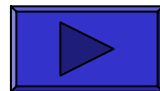
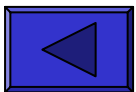




## *Counselor Tips to meet the 30 days*

The EEOC MD-110 mandates that you complete your counseling within 30 days of initial contact. The exception can be 60 days only if you get the complainant's agreement in writing (there is a sample request to extend, on your counselor website; or up 90 days if mediation is entered). So what can you do to complete the counseling in 30 days:

- Advise the complainant at the initial session that this is a, "limited inquiry" which means you will note those issues that have occurred within 45 days prior to them contacting you; get their version of each issue including how they feel they were harmed and on what basis they believe they were discriminated against; and present this information as well as requested resolution to the alleged responsible management officials and finally get back to the complainant with management's response.
- As soon as you get the call for counseling, set up a first appointment and count back the 45 days. That way at the first appointment you can advise the counselee, as you are going through the Initial Counseling Checklist with them, of the exact date, e.g., "I'll conduct my limited inquiry of events commencing May 1, 2007 which is 45 days before your call to me on June 15, 2007."
- If documents need to be reviewed, e.g., in a non-selection for promotion, make your request of Human Capital Management as soon as possible. Look at the complainant's application and how it was rated; look at the selectee's application and how it was rated; if interviews were done, where did complainant and selectee score? How did they each score on individual questions. No need to review every application in the package. Provide a summary of your discovery to the complainant in an attempt to informally resolve.
- Limit the number of "witness" interviews you do by asking the complainant for each witness they name, "what can this person tell me about your issue #1, issue #2, etc.?" If they can't answer the question, then the witness probably did not see or hear anything, so you can keep your questions of witnesses to a minimum.
- Know your workload: if you can't take a case due to planned personal or official travel; or other demanding projects, immediately ask the complainant for the written extension to complete the inquiry, or don't take the case.





# Questions and Answers

## Prohibited Personnel Practice?

A counselee mentions during counseling that they want to pursue a prohibited personnel practice. What should I respond?

*By definition: Twelve prohibited personnel practices, including reprisal for whistle-blowing, are defined by law at §2302(b) of Title 5 of the United States Code (U.S.C.). A personnel action (such as an appointment, promotion, reassignment, or suspension) may need to be involved for a prohibited personnel practice to occur. A complete listing is at the Office of Special Counsel website, as well as how to file the complaint. They may also contact the Service Center Human Capital Management office for more information. EEO doesn't handle a prohibited personnel practice.*

## Retaliation as a basis?

The complainant wants to include "reprisal or retaliation" incidents as a basis of discrimination.

*Remember, the EEOC definition of retaliation is previous participation in protected activity. In other words, ask the complainant when were they a complainant, EEO witness, alleged responsible management official that forms the basis for their claim of retaliation for previous EEO activity? Many times complainant's confuse the common definition of reprisal or retaliation with the EEO definition. The previous protected activity must be documented in your Counselor's Report.*

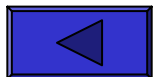
## EEO and an MSPB ?

The complainant mentions in the initial session that they are or have considering filing a Merit Systems Protection Board appeal but does not want to lose their right to EEO. What do I respond?

*Let the individual know that if they file a MSPB appeal, and then file a formal complaint, we will hold the EEO Complaint in abeyance, pending the MSPB Administrative Judge's ruling. The citations allowing for this are on page two (2) of the initial counseling checklist. However, you as counselor may pursue processing the informal pre-complaint counseling process.*

## Counselor Feedback and Q&A:

In the future this page is for Counselor questions. Also, any suggestions, tips, skills that you've developed over your course as a counselor that might be of help to other counselors. Please share your questions, ideas, and suggestions via email to: [kharger@doeal.gov](mailto:kharger@doeal.gov) We'll be sure and get them posted.



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